

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION—COLUMBUS COURTHOUSE

PHYLLIS CAUDILL)
3849 Laguna Drive)
Columbus, OH 43232-6320)
)
Plaintiff,)
) Case No. 2:11-cv-743
v.)
)
ENHANCED RECOVERY COMPANY, LLC,)
8014 Bayberry Road)
Jacksonville, FL 32256)
)
Defendant.)

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, PHYLLIS CAUDILL (Plaintiff), through her attorneys, KROHN & MOSS, LTD., alleges the following against Defendant, ENHANCED RECOVERY COMPANY, LLC (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

4. Defendant conducts business in the state of Ohio, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

PARTIES

6. Plaintiff is a natural person residing in Columbus, Franklin County, Ohio.
7. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
8. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
9. Defendant is a collection agency with a business office in Jacksonville, Florida.

FACTUAL ALLEGATIONS

10. Defendant is attempting to collect a debt from Plaintiff on behalf of the original creditor, HSBC Card Services, Defendant's reference number 50753437.
11. Plaintiff's alleged debt owed to HSBC Card Services arises from transactions for personal, family, and household purposes.
12. Starting in approximately May of 2011, Defendant began placing collection calls to Plaintiff in an attempt to collect a consumer debt owed to HSBC Card Services.
13. Defendant called Plaintiff on Plaintiff's cell phone at 614-307-47xx, in an attempt to collect a consumer debt owed to HSBC Card Services.
14. Defendant called from 800-658-0074, a number belonging to Defendant.
15. In May and June of 2011, Defendant placed constant and continuous collection calls to Plaintiff in an attempt to collect a consumer debt owed to HSBC Card Services.
16. For example, Defendant placed multiple collection calls to Plaintiff, in an attempt to

collect a debt owed to HSBC Card Services, on the following dates: May 2-5, 2011; May 9-11, 2011; June 13-17, 2011, June 20-22, 2011, among other dates.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

17. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct that the natural consequences of which was to harass, oppress, and abuse Plaintiff in connection with the collection of an alleged debt.
- b. Defendant violated §1692d(5) of the FDCPA when Defendant caused Plaintiff's telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.

WHEREFORE, Plaintiff, PHYLLIS CAUDILL, respectfully requests judgment be entered against Defendant, ENHANCED RECOVERY COMPANY, LLC, for the following:

18. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,

19. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*

20. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, PHYLLIS CAUDILL, demands a jury trial in this case.

RESPECTFULLY SUBMITTED,

By: /s/ Peter Cozmyk
Peter Cozmyk, Esq.
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VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF OHIO

Plaintiff, PHYLLIS CAUDILL, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, PHYLLIS CAUDILL, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

7-22-11

Date

Phyllis Caudill
PHYLLIS CAUDILL